

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LARRY MILLER,

Plaintiff,

vs.

Case No. 06-CV-10617
HON. GEORGE CARAM STEEH

GENERAL MOTORS CORPORATION,

Defendant.

_____ /

ORDER DISMISSING CLAIMS FOR LACK OF FEDERAL SUBJECT MATTER
JURISDICTION ON FAILURE TO SHOW CAUSE (#2)

Plaintiff Larry Miller, appearing pro per, was ordered on February 15, 2006 to show cause by March 6, 2006 why his claims of breach of contract alleged against defendant General Motors Corporation for failing to pay \$68,669.30 under a General Motors Quality Network Suggestion Plan should not be dismissed for lack of federal subject matter jurisdiction. Plaintiff invoked federal question jurisdiction under 29 U.S.C. § 185(c) of the Labor-Management Relations Act ("LMRA"). Plaintiff has not responded to the show cause order. Claims based on individual contracts executed between an employer and employee are not pre-empted by the LMRA. Lingle v. Norge Div. of Magic Chef, Inc., 486 U.S. 399, 413 (1988); Caterpillar Inc. v. Williams, 482 U.S. 386, 394 (1987). Accordingly, and pursuant to the court's February 15, 2006 Order to Show Cause,

Plaintiff's claims are hereby DISMISSED, without prejudice, for lack of federal subject matter jurisdiction.

SO ORDERED.

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

Dated: March 8, 2006

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record on March 8, 2006, by electronic and/or ordinary mail.

s/Josephine Chaffee
Secretary/Deputy Clerk